

Minutes for the Seminole County Board of Adjustment
MONDAY, NOVEMBER 24, 2003
6:00 P.M.

Members Present: Dan Bushrui, Wes Pennington, Bob Goff, Lila Buchanan and Michael Bass

Staff Present: Earnest McDonald, Principal Coordinator, J.V. Torregrosa, Planner, Rich Steiger, Planner, Patty Johnson, Senior Staff Assistant

The Chairman called the meeting to order at 6:00 P. M. Mr. Bushrui then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

CONSENT ITEMS

MOBILE HOME SPECIAL EXCEPTIONS:

- 1. 2600 WACCASSA STREET** – Joel R. Fillyaw, applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the south side of Waccassa Street, approximately 0.2 mile from the intersection of Waccassa Street and Withlacoochee Point; (BM2003-021).
District 2 - Morris
Rich Steiger, Planner
- 2. 1023 WINONA DRIVE** – Jeffery Canupp, applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the west side of Winona Drive, approximately 329 feet south of Winona Drive and Settlers Loop; (BM2003-022).
District 5 – McLain
Rich Steiger, Planner
- 3. 1171 WEST OSCEOLA ROAD** – Martin Israel, applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the south side of Osceola Road, approximately 200 feet east of the intersection of West Osceola Road and Four Wheel Lane; (BM2003-023).
District 5 – McLain
Rich Steiger, Planner
- 4. 1680 46 SR WEST** – Edward Hughes Jr., applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the west side of Caruthers

Road, approximately 0.4 mile west of the intersection of Caruthers Woods Road and Little Fawn Lane; (BM2003-024).

District 2 – Morris

Rich Steiger, Planner

VARIANCES:

- 5. 5829 AUTUMN CHASE CIRCLE** - Timothy & Jennifer Riley, applicants; Request for rear yard setback variance from 30 feet to 23 feet for a proposed room addition in the R-1A (Single-Family Dwelling District); Located on the west side of Autumn Chase Circle, approximately 400 feet west of the intersection of Autumn Chase Circle and Hester Avenue; (BV2003-157).

District 5 – McLain

Kathy Fall, Senior Planner

Mr. Pennington made a motion to approve the Consent Agenda Items 1, 2, 3, 4 and 5.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

CONTINUED ITEMS

SPECIAL EXCEPTIONS:

- 6. 1171 SANDY LANE – PACE / Richard M. Dunn (Brantley Hall, Inc.),** applicants; Request for special exception to expand an existing private school for children with learning disabilities in the A-1 (Agriculture District); Located on east side of Sandy Lane, approximately 0.1 mile south of the intersection of Sandy Lane and Sand Lake Road; (BS2003-021).

District 3 – Van Der Weide

Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the application as a continued item and stated that staff recommended approval of the request with the conditions recommended, many of which already applied to the overall school site by virtue of the original special exception granted in 1979 and subsequent amendments.

Mr. Pennington made a motion to approve the request as recommended in the Staff Report.

Mr. Goff seconded the motion.

The motion passed by unanimous consent (5-0).

- 7. 250 LONGWOOD HILLS ROAD** – Randall A. Nellis, applicant; Request for special exception to establish a (1) wholesale nursery and a landscape contractor business as an accessory use to a wholesale nursery; and (2) a sanitary landfill in the A-1 (Agriculture District); Located approximately 0.34 miles west of the intersection of C.R. 427 and Longwood Hills Road; (BS2003-023).
District 4 – Henley
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the application as a continued item and stated that the applicant had just submitted a Site Plan that does not comply with the requirements of the Land Development Code. He further stated that the subject property had been cited by Code Enforcement for the illegal operation of a Landscape Contractor Business. He stated that staff recommends denial of the request.

Rick Nellis, of Sun State Tree Service, stated that he was requesting a special exception to establish a landscaping business, which is a conditional use for the zoning of the property. He also stated that they are recycling trees and turning them into mulch to ship out to Brevard County.

Butch Bundy, Longwood City Commissioner, spoke in opposition of the request stating his concerns as being environmental and safety issues. He also stated that if a fire were to start in the wetland area it could take years to burn out.

Linda Herzog spoke in opposition, stating that she would like the board to consider the environmental hazards associated with mounds of untreated mulch and debris, which had been created by diseased trees. She also stated that her horses and goat herd had suffered respiratory and eye irritations, caused from excessive dust.

Nancy stated that when she purchased her land she was told she could not fill in the wetlands, but nobody had stopped Mr. Nellis from filling his in. She also stated that when she walks in her back yard it is always wet. She further stated that the mulch piles are higher than her house.

Maryann Afshori spoke in opposition, stating that the noise on the weekend is unbearable. She also stated that they were told that the business would not be opened on the weekends.

Betty Jones stated that she had lived in the neighborhood since July 4, 1969, and had a swamp behind her house. She stated the “mulch mountain” is getting

higher and higher. She further stated that she is very concerned about her well water being affected.

Tom Alderson stated that he lived across the street from the site and is concerned about the trucks that go in and out of the property, causing the traffic on Lazy Acres to back up.

Nonda Meng stated that she represented the Hidden Oaks Estates Homeowners Association, which is concerned about the noise level on Saturdays. She also stated the Association was concerned about the property value of its homes.

Randall Nellis stated in his rebuttal, that he is not the property owner. He also stated the business is regulated to operate on the weekends. He further stated that in order to manufacture this product, the pile has to be big before it can be removed from the property.

Mike Bass made a motion to deny the request.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

PUBLIC HEARING ITEMS

VARIANCES:

- 8. 1000 COUNTY ROAD 419 (CHULUOTA) –** Ramadan Seyan, applicant; Request for (1) (west) minimum side yard setback variance from 50 feet to 20 feet; (2) (west) minimum active buffer width variance from 25 feet to 15.50 feet; (3) (east) minimum corridor buffer width variance from 10 feet to 3.02 feet in the C-2 (Retail Commercial District); Located at the northwest corner of County Road 419 and Tenth street; (BV2003-159).
District 1 – Maloy
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated that staff recommended approval of (1) the requested reduction of the side yard setback variance, (2) and the active buffer in the west side yard. He stated that staff recommended denial of the requested corridor width buffer, for the proposed dumpster that would encroach into the buffer could be relocated elsewhere on the site to comply with the code.

The applicant was not present.

Paul Bessette spoke in opposition of the dumpster abutting SR 419. He also stated that he didn't want to look at the dumpster everyday.

Mr. Goff made a motion to approve all three variances.

Motion died for a lack of a second.

Dr. Buchanan made a motion to approve variances 1 and 2.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (5-0).

Dr. Buchanan made a motion to deny variance #3.

Mr. Pennington seconded the motion.

The motion passed by (4-1) consent.

- 9. 209 CITRUS DRIVE** - Phyllis Shelton, applicant; Request for (1) side yard setback variance from 7.5 feet to 5 feet, and (2) rear yard setback variance from 30 feet to 17 feet for an existing shed in the R-1A (Single-Family Dwelling District); Located on the south side of Citrus Drive, approximately 400 feet west of the intersection of Citrus Drive and Satsuma Drive; (BV2003-155).

District 5 – McLain

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicant can demonstrate a hardship. He further stated that staff had received letters in support of the request.

Doug Simmons spoke on behalf of the applicants, who were commercial truck drivers and not in town for the meeting. He also stated that the applicants didn't realize they needed to get a permit to build the shed. He further stated that the applicants had since applied for the permit, but the variance had to be granted before the permit could be issued.

Mr. Pennington made a motion to approve the request.

Mr. Goff seconded the motion.

The motion passed by (3-2) consent.

10.3835 AIDEN PLACE - Larry Tucker, applicant; Request for (south) side street setback variance from 20 feet to 12 feet for the relocation of an existing fence in the R-1BB (Single-Family Dwelling District); Located on the east side of Aiden Place, approximately 250 feet north of the intersection of Aiden Place and Holly Glen Way; (BV2003-156).

District 3 - Van Der Weide

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Larry Tucker stated that the house is 4 years old and he bought it a year ago. He also stated that he wanted to square off his backyard so he and his kids could have room to play. He further stated that he had gotten 2 letters of approval for the request and his Homeowner's Association approval was based on the board's approval of the requested variance.

Dr. Buchanan made a motion to approve the request.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

11.1102 MARTEX DRIVE - Andrew Sless, applicant; Request for side street setback variance from 25 feet to 10 feet for an existing fence in the R-1A (Single-Family Dwelling District); Located on the southwest corner of the intersection of Martex Drive and Caulfield Road; (BV2003-160).

District 3 - Van Der Weide

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

The applicant was not present.

Mr. Pennington made a motion for approval to 10 feet.

Mr. Goff seconded the motion.

The motion passed by unanimous consent (5-0).

12.224 SHEPPARD STREET - Robert & Judith Simon, applicants; Request for fence height variance from 6.5 feet to 8 feet; (2) side yard setback variance from 10 feet to 3 feet for a shed; and (3) rear yard setback variance from 10 feet to 3 feet for a shed in the R-1AA (Single-Family Dwelling District); Located on the south side of Sheppard Street, approximately 0.2 mile from the intersection of Virginia Avenue and Sheppard Street; (BV2003-162).

District 4 – Henley

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Robert Simon stated that the fence was his main concern to improve privacy, because the neighbor behind had elevated property and could see into his back yard. He also stated that his neighbor had provided a letter of support. He further stated that he wanted the shed in the back corner of the property, away from the pool.

Mr. Goff made a motion for approval of all three variances.

Dr. Buchanan seconded the motion.

The motion passed by (4-1) consent.

13.1428 W. BROOKSHIRE COURT - Margaret Louria, applicant; Request for rear yard setback variance from 20 feet to 10 feet for a proposed covered screen room in the PUD (Planned Unit Development District); Located on the south side of West Brookshire Court, approximately 50 feet west of the intersection of West Brookshire Court and Ash Park Loop; (BV2003-163).

District 1 - Maloy

Kathy Fall, Senior Planner

Earnest McDonald introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request unless the applicant could demonstrate a hardship.

Margaret Louria stated that she was proposing a 15 foot wide screen room. She also stated that quite a few people in the neighborhood had a similar screen room. She further stated that the Secretary of the Homeowner's Association told her over the phone that the Association supported the request.

Dr. Buchanan made a motion for approval to allow the applicant reasonable use of the property.

Mr. Goff seconded the motion.

The motion passed by unanimous consent (5-0).

SPECIAL EXCEPTIONS:

14. HUNTERFIELD ROAD (CASSELBERRY) – City of Casselberry / Bill Goucher, applicant; Request for Special Exception to replace an existing water treatment plant in the R-1A (Single-Family Dwelling District); Located on the north side of Hunterfield Road, approximately 200 feet west of the intersection of Hunterfield Road and Oxford Road; (BS2003-027).

District 4 – Henley

Kathy Fall, Senior Planner

Earnest McDonald introduced the location of the application and stated that staff recommended approval of the request. He further stated that staff received a signed petition requesting a continuance on this item.

William Goucher, Assistant Public Works Director, spoke for the City of Casselberry, stating the City was requesting a special exception to replace an existing water treatment plant. He also stated the City was willing to work with the neighbors and staff to accomplish its goal of getting an approval. He further stated that Bill Homes of CPH Engineering, who prepared the Site Plan, was present to answer questions.

Bill Homes, of CPH Engineering, spoke in support of the request stating that having additional wells would be better for the water system. He also stated that it would allow the City to provide better service to its customers.

Hugh Harlin stated that he represented the seller of the property and his client was being very cooperative with the city in support of the project. He also stated that the site has been a utility site for a number of years.

Daniel Lunsford stated that the proposed site was in his backyard. He also stated that he noticed the lawn isn't maintained. He further stated that if the

water wasn't going to be used in their area, he don't understand the reason why the site was needed in the proposed location.

Dorothy Holtz stated that she turned in the petition requesting a continuance of the item, because she wanted more information from the City of Casselberry about the proposal. She also stated that a number of the residents were away for the Thanksgiving holiday and they could not provide their input in time for the meeting. She further stated that the City of Casselberry had not contacted any of the residents to inform them of its plans.

Tom Hill stated that he had lived in the neighborhood for a very long time and was under the impression the site would eventually be converted to a park. He also stated that he was concerned about the value of their homes going down because of the project. He further stated that he didn't think the residents had been given any consideration.

William Goucher, from the City of Casselberry requested a continuance stating that there had been a lot of mis information about the project and he wanted an opportunity to meet with the Homeowners Association and the residents. He also stated that the city was committed to being a good neighbor.

The Board agreed to continue the item to the December 16, 2003 meeting.

APPEAL FROM ADMINISTRATIVE DECISION:

15. 1654 PINE VALLEY DRIVE - Ann Carr, appellant; Request to reverse the Planning Manager's decision to approve an administrative front yard setback variance from 25 feet to 23.76 feet in the R-1AA (Single-Family Dwelling District); Located on the northeast corner of Pine Valley Drive and Pressview Drive; (BV2003-171).

District 4 - Henley

Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that the criteria for the granting of the variance had been satisfied based on the submitted site plan and survey of the subject property; therefore staff recommended the Board uphold the planning Manager's decision to grant the variance.

Damon Chase, Attorney for the appellant, (Ann Carr) spoke on behalf of the application. He stated that the variance granted should not have been, because it was in violation of the code. He also stated that the supervisor granted the variance in error, since no hardship had been demonstrated. He provided a petition with signatures from everyone in the neighbor, except for one neighbor, in opposition of the granted variance.

Dr. Buchanan made a motion to deny the appeal and uphold the Administrative decision.

Mr. Bass seconded the motion.

The motion was passed by unanimous consent (5-0).

APPROVAL OF MINUTES

Mr. Bushrui made a motion to approve the October 27, 2003 minutes.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

ADOPTION OF 2004 MEETING SCHEDULE

The Board decided to continue adoption of the 2004 Meeting Schedule to the December 2003 regular meeting to allow approval by the regular board members.

ADJOURNMENT

Time of Adjournment was 9:55 P.M.